AN ACT

Amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, in commercial drivers, further providing for definitions; and, in driving after imbibing alcohol or utilizing drugs, further providing for driving under influence of alcohol or controlled substance and for authorized use not a defense.

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:

Section 1. The definition of "controlled substance" in section 1603 of Title 75 of the Pennsylvania Consolidated Statutes is amended to read:

§ 1603. Definitions.

The following words and phrases when used in this chapter shall have the meanings given to them in this section unless the context clearly indicates otherwise:

* * *

"Controlled substance." Any substance so defined or classified, except marijuana used lawfully in accordance with the act of April 17, 2016 (P.L.84, No.16), known as the Medical
Marijuana Act, under:

(1) The act of April 14, 1972 (P.L.233, No.64), known as
The Controlled Substance, Drug, Device and Cosmetic Act.

(2) Section 102(6) of the Controlled Substance Act
(Public Law 91-513, 21 U.S.C. § 802(6)).

(3) Schedules I through V of 21 CFR Part 1308.

(4) Any revisions to paragraphs (2) or (3) which are
published by the Department of Transportation as notices in
the Pennsylvania Bulletin.

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Section 2. Section 3802(d)(1) of Title 75 is amended and (d)
is amended by adding a paragraph to read:

§ 3802. Driving under influence of alcohol or controlled
substance.

* * *

(d) Controlled substances.--An individual may not drive,
operate or be in actual physical control of the movement of a
vehicle under any of the following circumstances:

(1) There is in the individual's blood any amount of

   [a]:

   (i) a Schedule I controlled substance, as defined in
the act of April 14, 1972 (P.L.233, No.64), known as The
Controlled Substance, Drug, Device and Cosmetic Act,
except marijuana used lawfully in accordance with the act
of April 17, 2016 (P.L.84, No.16), known as the Medical
Marijuana Act;

   (ii) a Schedule II or Schedule III controlled
substance, as defined in The Controlled Substance, Drug,
Device and Cosmetic Act, which has not been medically
prescribed for the individual; or
(iii) metabolite of a substance under subparagraph (i) or (ii).

* * *

(5) If the individual is a medical marijuana patient in compliance with the provisions of the Medical Marijuana Act, proof of actual impairment shall be required.

Section 3. Section 3810 of Title 75 is amended to read:

§ 3810. Authorized use not a defense.

The fact that a person charged with violating this chapter is or has been legally entitled to use alcohol [or] controlled substances or marijuana in compliance with the act of April 17, 2016 (P.L.84, No.16), known as the Medical Marijuana Act, is not a defense to a charge of violating this chapter.

Section 4. This act shall take effect in 60 days.